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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,883	02/27/2002	Kari-Pekka Wilska	51020-012USC2	1197
42532	7590	04/08/2011	EXAMINER	
PROSKAUER ROSE LLP			DOAN, PHUOC HUU	
ONE INTERNATIONAL PLACE				
BOSTON, MA 02110			ART UNIT	PAPER NUMBER
			2617	
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			04/08/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/085,883	WILSKA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	PHUOC DOAN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 January 2011.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 68-83 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 68-83 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

**Response to Arguments**

1. Applicant's arguments filed 01/31/2011 have been fully considered but they are not persuasive.

In response to the Applicant's remarks, on page 4, Crane clearly discloses to selecting a destination for a cellular phone by communication protocols for multiple information formats, such as data, text, voice, audio, graphics, images, video from a cellular phone 101 (see col. 2, lines 30-35).

Examiner suggestion: a method claim 77 is similar to apparatus claim 68, it should be amended the claimed limitations 77 as the fully claimed limitations as same as claim 68.

**Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 68-83 rejected under 35 U.S.C. 102(e) as being anticipated by Crane (US Patent No. 5,533,097).

As to claim 68, 77, Crane discloses a portable apparatus for communication and data collection comprising: a portable hand-held housing (See Abstract, col. 1, lines 5-21 "a microprocessor 301 within the briefcase 101 is incorporated in a portable housing included a handset 105, notepad 107, a digital camera"); a data processing unit housed by the housing and configured to run application software (col. 2, lines 22-37 "supports multiple communication protocols for format such as data, text, voice, audio, graphics, images, video"); a display housed by the housing and operably connected to the data processing unit (Fig. 3, col. 2, lines 60-65 "display on the notepad 107"); at least one user interface device housed by the housing and operably connected to the data processing unit (Fig. 3, col. 29-50, 10-42 "provided user interface device operated and controlled by microprocessor 301"); at least one memory housed by the housing and operably connected to the data processing unit for storing image data (col. 2, lines 25-45 "for storing image data in the storage 201") and for storing data from the data processing unit (col. 5, lines 45-67 "stored information and

message controlled by microprocessor 301, for example, retrieved from a phone list in the internal data base within the memory for the microprocessor 301"); a data interface configured to input image data from a camera and route the inputted image data to the data processing unit (col. 2, lines 10-55); and a mobile telephone unit housed by the housing and configured to (a) wirelessly transmit inputted image data to a remote location (col. 2, lines 40-67 "the handset 105 provided voice, data , image communicate or transmitted"), (b) wirelessly transmit speech, and (c) wirelessly transmit text, wherein the application software includes a routine for storing images in the at least one memory (col. 2, lines 40-67, col. 3, lines 10-40), and wherein the application software includes a routine that enables a user to select a destination for a wireless transmission of an image from a list of potential destinations (Fig. 3, col. 2 through col. 3, lines 20, col. 4, lines 10-40 "internal data base with calendar, message , phone lists allowed a user to select a destination for wireless transmitted").

As to claim 69, Crane further discloses the portable apparatus of claim 68, further comprising at least one battery that is housed within the housing and operatively connected to provide power to the portable apparatus (col. 3, lines 50-60).

As to claim 70, 78, 83, Crane further discloses the portable apparatus of claim 68, wherein the selection of a destination from the list of potential destinations operates differently depending on what application is being used (Fig. 3, col. 2 through col. 3, lines 20, col. 4, lines 10-40 “internal data base with calendar, message, phone lists allowed a user to select a destination for wireless transmitted”).

As to claim 71, 79, Crane further discloses the portable apparatus of claim 68, wherein the list has the capability to store telephone numbers and email addresses for a plurality of recipients (Fig. 3, item 301, col. 5, lines 60-65).

As to claim 72, 80, Crane further discloses the portable apparatus of claim 68, wherein the at least one user interface device comprises a keypad (Fig. 2 item 105 included keypad”).

As to claim 73, 75, 81, Crane further discloses the portable apparatus of claim 68, wherein the at least one user interface device comprises a digitizer pad (Fig. 2, item 017 included a digitized pad”).

As to claim 74, 82, Crane further discloses the portable apparatus of claim 68, wherein the at least one user interface device comprises a trackball (Fig. 2, item 213, key or replace trackball, it is inherently”).

As to claim 76, Crane further discloses the portable apparatus of claim 68, wherein the application software includes a routine that enables a user to select a phone number from a list (col. 2, lines 10-20, col. 5, lines 55-67).

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC DOAN whose telephone number is (571) 272-7920. The examiner can normally be reached on Mon-Tue, Thu-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESTER KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHUOC DOAN/  
Primary Examiner, Art Unit 2617